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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,805	08/10/2001	Johan C. Fitter	9913/9-1556	6321

7590

09/04/2003

William J. Sapone, Esq.
Coleman Sudol Sapone P.C.
714 Colorado Ave.
Bridgeport, CT 06605

EXAMINER

BELL, BRUCE F

ART UNIT

PAPER NUMBER

1746

5

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-5

Office Action Summary

Application No.

09/927,805

Applicant(s)

FITTER, JOHAN C.

Examiner

Bruce F. Bell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,11,14,15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 5,8-10,12,13,16,19 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 7, 11, 14, 15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Young (4801511).

Young teaches an electrolyte with additive that may be used in either an electroplating cell or in a lead acid battery. The electrolyte used is a sulfuric acid and the additive used is urea. See abstract and col. 5, lines 6-36 and Examples 1 and 2. Col. 5, lines 6-22 teach that the electrolyte with additive broadens the differential between the voltage at which the hydrogen begins to evolve at the cathode and the voltage at which metal is reduced at and plated on the cathode. The electrolyte with additive also broadens the voltage differential between the point at which oxygen is evolved at the cathode and cathode metal is oxidized to soluble ion and removed. Col. 5, lines 23-36 teach that the electrolyte and additive minimize pitting and heterogeneity of electroplated surfaces, promotes surface brightening and leveling, conserves energy and broadens the current density range between the anode and cathode.

The prior art of Young anticipates the applicants' instant invention as set forth above. The additive or urea as set forth in the prior art meets the instant claims

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as recited because applicants have disclosed in their instant specification that amines can be used and since urea is an amine, it would inherently perform in the same manner as applicants' instant invention. See page 6, lines 26-31 in the instant specification, where it shows that amines can be used. Further the teachings at col. 5, lines 23-36 show that smooth plating occurs at the cathode (neg. electrode) when the urea additive is used. Further at col. 9, line 65 – col. 10, line 17 shows that when the additive is used in a lead acid battery, that the battery life improves with the charge and discharge cycles, which is known to those having ordinary skill in the art, to happen when dendritic growth is inhibited. The surface active substance is considered by the examiner to be that of the urea, since it is an amine additive. Both the tin electroplating and the lead acid storage battery are taught in the patent to Young at col. 9, line 30-40 and col. 9, line 65 – col. 10, line 17.

Allowable Subject Matter

3. Claims 5, 8-10, 12, 13, 16, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach and/or suggest an additive being an organic compound of at least 8 carbon atoms or having a molecular weight of from 250 to 550

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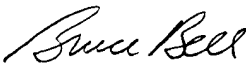
or having an alkyl constituent. The method of removing the electrolyte from the battery and adjusting the specific gravity of the electrolyte by dilution or concentration or by adding fresh electrolyte to form a recycled electrolyte and placing the electrolyte into an electroplating cell is not taught or suggested.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce F. Bell whose telephone number is 703-308-2527. The examiner can normally be reached on Monday-Friday 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 703-308-4333. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

BFB
September 2, 2003


Bruce F. Bell
Primary Examiner
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